

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, June 15, 2016 – 8:30 a.m. – Room 450 Capitol Building

Members Present:

Sen. Todd Weiler, Senate Chair
Rep. Don L. Ipson, House Chair
Sen. Daniel W. Thatcher
Rep. Brad M. Daw
Rep. Sandra Hollins
Rep. Kay L. McIff
Rep. Curtis Oda
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Marc K. Roberts
Rep. Angela Romero
Rep. Earl D. Tanner

Rep. Raymond P. Ward

Rep. R. Curt Webb

Members Absent:

Sen. Luz Escamilla
Pres. Wayne L. Niederhauser

Staff Present:

Mr. Nathan W. Brady, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Lori Rammell, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ipson called the meeting to order at 8:40 a.m.

MOTION: Sen. Weiler moved to approve the minutes of the May 18, 2016, meeting. The motion passed unanimously. Rep. Hollins, Rep. McIff, Rep. Redd, and Rep. Romero were absent for the vote.

2. Department of Public Safety – Issues and Updates

Mr. Keith D. Squires, Commissioner, Department of Public Safety, addressed the need for permanent funding for Peace Officer Standards and Training equipment and training. He also discussed the need for more State Bureau of Investigation officers to facilitate a new program to acquaint refugees with law enforcement officers and resources. The commissioner also said the Driver License Division and Bureau of Criminal Identification will both be requesting a fee increase in the next year.

Colonel Danny Fuhr, Utah Highway Patrol, discussed the need for ongoing funding for officer salaries.

Major Scott Stephenson, Director, Peace Officer Standards and Training, responded to questions from the committee regarding the Peace Officer Standards and Training Council's guidelines in taking corrective action against officers.

Major Brian Redd, State Bureau of Investigation, discussed a new program, in partnership with the Department of Workforce Services, to work with refugees and encourage them to feel comfortable with state laws and law enforcement officers.

3. Death Benefits for Volunteer Emergency Responders

Rep. Ray introduced the issue of death benefits for volunteer emergency responders to ensure a safety net exists for families of those who lose their lives in the line of duty.

MOTION: Rep. Ray moved that a committee bill be opened to address the issue of death benefits for volunteer emergency responders. The motion passed unanimously with Sen. Weiler, Rep. Daw, Rep. Hollins, Rep. McIff, and Rep. Romero absent for the vote.

4. Death Penalty Cost and Process

Mr. Brady distributed "A History of the Death Penalty in Utah" and provided a brief presentation on the amount of time that inmates spend on death row before their executions are carried out by the state.

Ms. Allred distributed "Aggravated/Capital Murder Defined" and "Capital Felony-Review Process." She compared Utah law to Virginia statute, then briefly reviewed current state and federal laws regarding the capital punishment process.

Mr. Andrew Peterson, capital offenses case coordinator, Office of the Attorney General, distributed a flow chart, "The Conviction, Sentence, and Review," and explained the current process for prosecuting and appealing capital punishment cases and how that process has changed in recent years. In response to questions from the committee, Mr. Peterson explained how capital punishment cases are assigned within the Office of the Attorney General and how the associated costs are calculated.

Mr. Gary Syphus, Legislative Fiscal Analyst, Office of the Legislative Fiscal Analyst, distributed "Incremental Impact for One Death Penalty Offender to Execution—State and Local" and discussed the variables and limited information available in estimating the \$1.6 million in additional cost to taxpayers for those on death row as compared to those serving life without parole. He suggested the committee consider requiring reporting, especially at the county level, of costs related to capital punishment cases.

Mr. Richard Mauro, criminal defense attorney for capital cases and member of the Utah Sentencing Commission, outlined some of the costs for defending and appealing capital punishment cases in Utah, including attorneys' fees, investigator costs, expert witness expenses, and court costs.

5. Felony Assault Amendments

Rep. Lowry Snow discussed draft legislation that would create the offense of strangulation as a third degree felony and distributed "Strangulation Fact Sheet," produced by the Department of Health. He explained that the greatest danger of strangulation is the obstruction of blood flow to the brain, resulting in brain injury or death.

Ms. Donna Kelly, Sexual Assault and Domestic Violence Resource Counselor, Utah Prosecution Council, stated that strangulation is in many cases one of the warning signs preceding homicide. She said that strangulation is a serious assault that requires clarification of the statute in order to prosecute effectively.

6. Adjourn

MOTION: Rep. Daw moved to adjourn the meeting. The motion passed unanimously with Sen. Thatcher, Sen. Weiler, Rep. Hollins, and Rep. Oda absent for the vote.

Chair Ipson adjourned the meeting at 11:04 a.m.